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LANG WILLIAMS

The Constitutional Dilemma of the European Union Oxford
University Press

An authoritative and comprehensive survey of the major themes,
thinkers, and movements in modern European intellectual
history.

Social Imaginary and Constituent Imagination Bloomsbury
Publishing

This Handbook introduces scholars and students to the history,
philosophy, and evidence of global constitutionalism. Contributors
provide their insights from law, politics, international relations,
philosophy, and history, drawing on diverse frameworks and
empirical data sets. Across them all, however, is a recognition
that the international order cannot be understood without an
understanding of constitutional theory. The Handbook will define
this field of inquiry for the next generation by bringing together

some of the leading contemporary scholars.

Memory and the future of Europe Oxford University Press
Examines and compares East Asian and European perspectives of Global Constitutionalism.

The Future of Europe Oxford University Press

An authoritative and comprehensive survey of the major themes, thinkers, and movements in modern European intellectual history.

Constituent Power and the Legitimacy of International Organizations Oxford University Press

Can a constitutional democracy commit suicide? Can an illiberal antidemocratic party legitimately obtain power through democratic elections and amend liberalism and democracy out of the constitution entirely? In Weimar Germany, these theoretical questions were both practically and existentially relevant. By 1932, the Nazi and Communist parties combined held a majority of seats in parliament. Neither accepted the legitimacy of liberal democracy. Their only reason for participating democratically was to amend the constitution out of existence. This book analyses Carl Schmitt's state and constitutional theory and shows how it was conceived in response to the Weimar crisis. Right-wing and left-wing political extremists recognized that a path to legal revolution lay in the Weimar constitution's combination of democratic procedures, total neutrality toward political goals, and positive law. Schmitt's writings sought to address the unique problems posed by mass democracy. Schmitt's thought anticipated 'constrained' or 'militant' democracy, a type of constitution that guards against subversive expressions of popular sovereignty and whose mechanisms include the

entrenchment of basic constitutional commitments and party bans. Schmitt's state and constitutional theory remains important: the problems he identified continue to exist within liberal democratic states. Schmitt offers democrats today a novel way to understand the legitimacy of liberal democracy and the limits of constitutional change.

Indonesian Law John Wiley & Sons

The most current, contextual and authoritative EU law text, including Brexit, the euro, and the migration crisis.

The Theory and Practice of Constitutional Amendment
Bloomsbury Publishing

The Routledge Handbook of Differentiation in the European Union offers an essential collection of groundbreaking chapters reflecting on the causes and consequences of this complex phenomenon. With contributions from key experts in this subfield of European Studies, it will become a key volume used for those interested in learning the nuts and bolts of differentiation as a mechanism of (dis)integration in the European Union, especially in the light of Brexit. Organised around five key themes, it offers an authoritative "encyclopaedia" of differentiation and addresses questions such as: How can one define differentiation in the European Union in the light of the most recent events? Does differentiation create more challenges or opportunities for the European Union? Is Europe moving away from an "ever closer Union" and heading towards an "ever more differentiated Union", especially as leading political figures across Europe favour the use of differentiation to reconcile divergences between member states? This handbook is essential reading and an authoritative reference for scholars, students, researchers and practitioners

involved in, and actively concerned about, research in the study of European integration. As European differentiation is multifaceted and involves a wide range of actors and policies, it will be of further interest to those working on countries and/or in policy areas where differentiation is an increasingly relevant feature.

A Critical Analysis Manchester University Press

This title recounts the transformation of Europe from the post-war era until the Euro-crisis, using the tools of constitutional analysis and critical theory. The central claim is twofold: Europe has been gradually reconstituted in a manner that combines political authoritarianism with economic liberalism and that this order is now in a critical condition. Authoritarian liberalism is constructed supranationally, through a taming of inter-state relations in the project of European integration; at the domestic level, through the depoliticization of state-society relations; and socially, through the emergence of a new constitutional imaginary based on liberal individualism. In the language of constitutional theory, this transformation can be captured by the substitution of supranationalism for internationalism, technocracy for democracy, and economic for political freedom. Sovereignty is restrained, democracy curtailed, and class struggle repressed. This constitutional trajectory takes time to unfold and develop and it presents continuities and discontinuities. On the one hand, authoritarian liberalism is deepened by the neoliberalism of the Maastricht era and the creation of Economic and Monetary Union. On the other hand, counter-movements then also begin to emerge, geopolitically, in the return of the German question, domestically, in the challenges to the EU presented by

constitutional courts, and informally, in the rise of anti-systemic political parties and movements. Sovereignty, democracy, and political freedom resurface, but are then more actively suppressed through the harsher authoritarian liberalism of the Euro-crisis phase. This leads now to an impasse. Anti-systemic politics return but remain uneasily within the EU, suggesting authoritarian liberalism has reached its limits if just about managing to maintain constitutional order. As yet, there has been no definitive rupture, with the possible exception of Brexit.

Theoretical Perspectives Oxford University Press

This book offers a new account of modern European constitutionalism. It uses the Irish constitutional order to demonstrate that, right across the European Union, the national constitution can no longer be understood on its own, in isolation from the EU legal order or from the European Convention on Human Rights. The constitution is instead triangular, with these three legal orders forming the points of a triangle, and the relationship and interactions between them forming the triangle's sides. It takes as its starting point the theory of constitutional pluralism, which suggests that overlapping constitutional orders are not necessarily arranged 'on top of' each other, but that they may be arranged heterarchically or flatly, without a hierarchy of superior and subordinate constitutions. However, it departs from conventional accounts of this theory by emphasizing that we must still pay close attention to jurisdictional specificity in order to understand the norms that regulate pluralist constitutions. It shows, through application of the theory to case studies, that any attempt to extract universal principles from the jurisdictionally contingent interactions between specific legal orders is fraught

with difficulty. The book is an important contribution to constitutional theory in general, and constitutional pluralism in particular, and will be of great interest to scholars in the field. *A Liberal Theory of Majority Rights* Europa Law Publishing

We live in a pluralist world of multi-level law and governance. More than ever before multiple legal systems and governing authorities at different levels - sub-state, state, supranational, international - are recognized as applying to, and claiming authority over, the affairs of the same sets of individuals and institutions. Yet our constitutional theories fail to adequately capture this pluralist state of affairs. This book examines some of the key conceptual and theoretical puzzles which the contemporary state of multilevel pluralism poses for our constitutional theories. It offers fresh perspectives on these questions by addressing the pluralism of norms and authorities from the viewpoint of legality and legitimacy respectively, proposing novel solutions for pluralizing constitutional theory in the light of contemporary multilevel governance. Our turbulent times are on a steady trajectory of ever-more pluralism of law and governance to tackle the defining social and political problems of our age including populism, pandemic, and climate change and this book provides an essential intervention in debates on how to pluralize constitutional theory to better understand and, perhaps more importantly, legitimize the tools to address these increasingly shared problems.

Carl Schmitt's State and Constitutional Theory Oxford University Press

This book focuses on the historical configuration of the territorial borders and functional boundaries of the European nation state.

It presents integration as a process of boundary transcendence, redefinition, shift, and change that fundamentally alters the nature of the European states. Its core concern lies in the relationship between the specific institutional design of the new Brussels centre, the boundary redefinitions that result from its political production, and, finally, the consequences of these two elements on established and developing national European political structures. Integration is examined as a new historical phase in the development of Europe, characterized by a powerful trend toward legal, economic, and cultural de-differentiation after the five-century process of differentiation that led to the European system of nation states. Considering the EU as the formation of an enlarged territorial system, this work recovers some of the classic issues of political modernization theory: Is the EU an attempt at state formation? Is it an attempt at centre formation without nation building? Is it a process of centre formation without democratization? This work also seeks to sharpen the conceptual tools currently available to deal with processes of territorial enlargement and unification. It develops a theoretical framework for political structuring beyond the nation state, capable of linking all aspects of EU integration (inter-governmentalism, definition of rights, the 'constitutionalization' of treaties, the tensions between the new territorial hierarchy and the nation states, etc.). The book adopts an 'holistic' approach to integration, in the form of a theory from which hypotheses can be generated (even if it is not possible to test all of its components). This theoretical framework has three principal aims: to overcome a rigid distinction between domestic politics and international relations; to link actors' orientations, interests, and motivations

with macro outcomes; and to relate structural profiles with dynamic processes of change.

Why Europe Does Not Need a Constitution Routledge

The European Union is at a crossroads. Slowly recovering from a series of financial and economic crises, with trust fundamentally shaken by processes of disaggregation and increasingly nationalist politics, it is searching for new visions that are at once inspiring and workable. In its White Paper of 1 March 2017, the Commission proposed five non-exclusive options for the Future of Europe. As put by the Commission, the five scenarios are illustrative in nature to provoke thinking. They are not detailed blueprints or policy prescriptions. Likewise, they deliberately make no mention of legal or institutional processes – the form will follow the function. This book takes the current state of the Union seriously. However, it aims to debate not only the political vision of Europe, but also the issue of legal integration beyond Brexit. Apart from addressing the institutional challenges for the EU, the contributions to this volume focus on two key areas: rule of law and security. Rule of law and security are not only paradigmatic for the future of Europe but are also closely connected to a particular vision of Europe based on 'integration through law'; a vision that has been strongly contested in recent years. The overarching question is: how can sustainable political and legal integration be achieved in Europe? The volume builds on a conference organised by the Swedish Network for European Legal Studies in November 2017 and includes chapters by leading scholars in the field from the Nordic countries and wider Europe.

European Union Law Oxford University Press

This book develops a constitutional theory of international

organization to explain the legitimation of supranational organizations. Supranational organizations play a key role in contemporary global governance, but recent events like Brexit and the threat by South Africa to withdraw from the International Criminal Court suggest that their legitimacy continues to generate contentious debates in many countries. Rethinking international organization as a constitutional problem, Oates argues that it is the representation of the constituent power of a constitutional order, that is, the collective subject in whose name authority is wielded, which explains the legitimation of supranational authority. Comparing the cases of the European Union, the World Trade Organization, and the International Criminal Court, Oates shows that the constitution of supranationalism is far from a functional response to the pressures of interdependence but a value-laden struggle to define the proper subject of global governance. The book will be of interest to students and scholars of international organization and those working in the broader fields of global governance and general International Relations theory. It should also be of interest to international legal scholars, particularly those focused on questions related to global constitutionalism.

Beyond EU politics, law and governance BRILL

Recent social and political developments in the EU have clearly shown the profound structural changes in European society and its politics. Reflecting on these developments and responding to the existing body of academic literature and scholarship, this book critically discusses the emerging notion of European constitutionalism, its varieties and different contextualization in theories of EU law, general jurisprudence, sociology of law,

political theory and sociology. The contributors address different problems related to the relationship between the constitutional state and non-state constitutionalizations and critically analyze general theories of constitutional monism, dualism and pluralism and their juridical and political uses in the context of EU constitutionalism. Individual chapters emphasize the importance of interdisciplinary and socio-legal methods in the current research of EU constitutionalism and their potential to re-conceptualize and re-think traditional problems of constitutional subjects, limitation and separation of power, political symbolism and identity politics in Europe. This collection simultaneously describes the EU and its self-constitution as one polity, differentiated society and shared community and its contributors conceptualize the sense of common identity and solidarity in the context of the post-sovereign multitude of European society.

Political, Social, and Economic Forces, 1950-1957 Oxford University Press

Beyond the People develops a provocative, interdisciplinary, and meta-theoretical critique of the idea of popular sovereignty. It asks simple but far-reaching questions: Can 'imagined' communities, or 'invented' peoples, ever be theorized without, at the same time, being re-imagined and re-invented anew? Can polemical concepts, such as popular sovereignty or constituent power, be theorized objectively? If, as this book argues, the answer to these questions is no, theorists who approach the figure of a sovereign people must acknowledge that their activity is inseparable from the practice of constituent imagination. Though widely accepted as important, even vital, for the development of political concepts, the social practice of

imagination is almost always presumed to operate either historically or impersonally, but seldom individually. Those who theorize the figures of popular sovereignty do not see that they are, in effect, 'conjurers' of peoplehood. This book invites constitutional, international, normative, and other political and legal theorists of sovereign peoplehood to embrace the conjuring-side of their professional identities, as a way of exploring the possibility of moving beyond eternally recurring, insolvable, and increasingly irrelevant questions. Instead of asking: Who is the people? What is the function of constituent power? Where may the people exercise its right to self-determination? Beyond the People asks the reader to consider the prospect of a riskier and more adventurous theoretical road, that opens with the question: What do I as a 'theorist-imaginer', or 'conjurer of peoplehood', assume, anticipate, and aspire to as I theorize the vehicles that mediate the assumptions, anticipations, and aspirations of others? This question is examined throughout the book as it interrogates the idea of peoplehood beyond disciplinary boundaries, showing how polemical, visual, affective, conceptual, and allegorical language critically shapes our idea of peoplehood. It offers a nuanced account of the contested relationship between the social imaginary of peoplehood on the ground, and the imaginative practices of the professional 'conjurers' of peoplehood in the academy.

Selected Writings Routledge

Through a critical appraisal of the European Union and its legal system, this book evaluates the extent to which constitutionalism as an empirical idea and normative ideal can be adapted to institutions beyond the state.

Authoritarian Liberalism and the Transformation of Modern Europe GRIN Verlag

From the start of the European integration process, one question has puzzled scholars: what type of political association is the European Union? In absence of an agreed upon response, most scholars have suggested that the European Union is 'sui generis'. This book challenges the sui generis thesis by demonstrating that the EU is not a unique form of association, but rather a federal union of states, or what this book calls a federation. This is a discrete form of political association on par with, though differentiated from, political modernity's two other main forms, namely the state and the empire. The federation cannot be understood on the basis of the general theory of the state or its concept of sovereignty. The 'statist' imaginary still dominates both the debates on federalism and the EU, meaning that all federal policies are either seen as 'confederal' associations of sovereign states or sovereign federal states. This book challenges this binary by demonstrating that the federation is not a 'super state' but a discrete political form with its own constitutional theory. It is characterized by a double political existence, a lack of internal hierarchy, and the internal absence, contestation, or repression of sovereignty. This book details the key aspects of federal constitutional theory and how this theory accounts for the EU's constitutional form as well as the crises it has faced in recent years. This book is broken into five chapters that cover the introduction to federalism, origins of the EU, state transformation and teleology, unity in diversity, and emergency rule without a sovereign. This book draws on a variety of literatures and historical material to help the reader develop a critical

understanding of 'constitutional myths' and the theory of federalism.

Reflections on the Current Crisis Oxford University Press, USA

An increasing number of constitutional theorists, within both the legal academy and university departments of government, are focusing on the conceptual and political problems attached to the notion of constitutional amendment. Amendments are, among other things, recognitions of the imperfection of existing schemes of government. The relative ease or difficulty of amendment has significant implications for the ways that governments respond to problems that call either for new structures of governance or new powers for already established structures. This book brings together essays by leading legal authorities and political scientists on a range of questions from whether the U.S. Constitution is subject to amendment by procedures other than those authorized by Article V to how significant change is conceptualized within classical rabbinic Judaism. Though the essays are concerned for the most part with the American experience, other constitutional traditions are considered as well. The contributors include Bruce Ackerman, Akhil Reed Amar, Mark E. Brandon, David R. Dow, Stephen M. Griffin, Stephen Holmes and Cass R. Sunstein, Sanford Levinson, Donald Lutz, Walter Murphy, Frederick Schauer, John R. Vile, and Noam J. Zohar. OUP Oxford

The Cultural Defense of Nations presents a timely, thought-provoking thesis on some of the most pressing issues of our time-global immigration, majority groups, and national identity. Never in human history has so much attention been paid to human movement. Global migration yields demographic shifts of

historical significance, profoundly shaking up world politics-as has been seen in the refugee crisis, the Brexit referendum, and the 2016 U.S. election. The Cultural Defense of Nations addresses one of the greatest challenges facing liberalism today: is a liberal state justified in restricting immigration and access to citizenship in order to protect its majority culture? Liberal theorists and human rights advocates recognize the rights of minorities to maintain their unique cultural identity, but assume that majorities have neither a need for similar rights nor a moral ground for defending them. The majority culture, so the argument goes, "can take care of itself." However, with more than 250 million immigrants worldwide, majority groups increasingly seek to protect what they consider to be their national identity. In recent years, liberal democracies have introduced proactive immigration and citizenship policies that are designed to defend the majority culture. This book shifts the focus from the prevailing discussion

of cultural minority rights and, for the first time, addresses the cultural rights of majorities. It proposes a new approach by which liberal democracies can welcome immigrants without fundamentally changing their cultural heritage, forsaking their liberal traditions, or slipping into extreme nationalism. Disregarding the topic of cultural majority rights is not only theoretically wrong, but also politically unwise. With forms of "majority nationalism" rising and the growing popularity of extreme right-wing parties in the West, time has come to liberally address the new challenge.

Political and Legal Integration Beyond Brexit Bloomsbury Publishing

This volume offers a critical inquiry into the ever-evolving notion of cultural heritage and the way it has been made accessible, governed, and protected by the institutional, operational, and legal structures of the European Union.

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